

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL ANTHONY LORUSSO,
Plaintiff,
v.
CHEVRON CORPORATION,
Defendant.

Case No. [22-cv-03837-JST](#)

**ORDER DENYING REQUEST FOR
RECONSIDERATION OF DENIAL OF
IN FORMA PAUPERIS STATUS;
DISMISSING ACTION FOR FAILURE
TO PAY FILING FEE IN FULL**

Re: ECF No. 18

Plaintiff filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. For the reasons set forth below, the Court denies Plaintiff's request for reconsideration of the Court's denial of *in forma pauperis* status, ECF No. 18, and dismisses this action for failure to pay the filing fee.

DISCUSSION

On or about June 28, 2022, Plaintiff commenced this action by filing a complaint against Chevron Corporation. The complaint alleges that defendant Chevron Corporation has been harming the American people by inflating gas prices, destroying the planet and the environment, and hiding its profits in "Big Tobacco." The complaint fails to make out any legal causes of action. *See generally* ECF No. 1.

On January 13, 2023, the Court ordered Plaintiff to show cause why he should not be denied leave to proceed *in forma pauperis* pursuant to the three-strikes provision set forth in 28 U.S.C. § 1915. ECF No. 15. Plaintiff has been barred from filing civil suits by various courts nationwide pursuant to 28 U.S.C. § 1915, and has had at least three cases dismissed as either frivolous, malicious, or for failure to state a claim. ECF No. 15 at 3-5. The complaint does not allege that Plaintiff is in imminent danger of serious physical injury from Chevron. ECF No. 15 at 5-6.

1 In Plaintiff's response to the Court's order to show cause, he claimed to face imminent
2 danger of serious physical injury due to actions unrelated to this action, specifically problematic
3 behavior by Florida officials. ECF No. 16 at 9. However, Plaintiff did not allege imminent
4 danger of serious physical injury from defendant Chevron at the time of filing. *See generally* ECF
5 No. 16.

6 On February 10, 2023, the Court denied Plaintiff leave to proceed *in forma pauperis*
7 pursuant to the three-strikes provision set forth in 28 U.S.C. § 1915. ECF No. 17. The Court
8 ordered Plaintiff to pay the \$402 filing and administrative fee in full by March 10, 2023, or face
9 dismissal of this action. *Id.*

10 **I. Motion for Reconsideration**

11 Plaintiff has filed a pleading titled, "Motion to Filed In Imminent Danger," which the
12 Court construes as a motion for reconsideration of the Court's denial of *in forma pauperis* status.
13 ECF No. 18. The pleading is a jumble of accusations regarding Florida governor DeSantis's
14 actions and statements regarding Florida's school system, the COVID-19 epidemic, the 2022
15 presidential election, state attorney Andrew Warren, and the kidnapping of the governor of
16 Michigan. The pleading also alleges that Governor DeSantis is retaliating against Plaintiff for
17 Plaintiff exposing Governor DeSantis's wrongdoings by having Plaintiff transferred to a mental
18 health unit where four correctional officers killed an inmate. Plaintiff concludes the pleading by
19 stating that he "clearly is well in his civil rights to file in imminent physical injury and to waive
20 the filing fee since Plaintiff is indigent." ECF No. 18 at 9.

21 Plaintiff's motion for reconsideration is denied. ECF No. 18. "[T]he imminent danger
22 exception to § 1915(g) requires a nexus between the alleged imminent danger and a prisoner's
23 complaint." *Ray v. Lara*, 31 F.4th 692, 695 (9th Cir. 2022). Plaintiff has not alleged that he is
24 imminent danger of serious physical injury from defendant Chevron.

25 **II. Dismissal of Action for Failure to Pay Filing Fee in Full**

26 The deadline to pay the filing fee in full has passed, and Plaintiff has not paid the filing
27 fee. The Court therefore DISMISSES this action for failure to pay the filing fee in full. This
28 dismissal is without prejudice to filing a request to reopen, but any request to reopen must be

1 accompanied by the full filing and administrative fees.

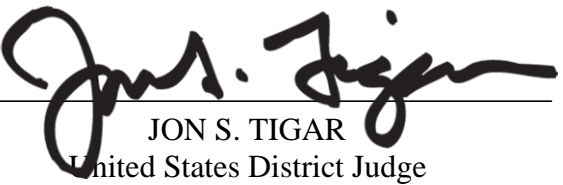
2 **CONCLUSION**

3 For the reasons set forth above, Plaintiff's motion for reconsideration, ECF No. 18, is
4 DENIED, and this action is DISMISSED without prejudice for failure to pay the filing fee in full.
5 The Clerk is directed to enter judgment in favor of Defendant and against Plaintiff, terminate all
6 pending motions as moot, and close the case.

7 This order terminates ECF No. 18.

8 **IT IS SO ORDERED.**

9 Dated: July 31, 2023

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11 JON S. TIGAR
United States District Judge

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United States District Court
Northern District of California